

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1110 of 1997

in

CIVIL APPLICATION No 6684 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

WIPRO LIMITED

Versus

MANJIBHAI BACHUBHAI RATHOD

Appearance:

MR MANISH R BHATT for Appellant
MR MUKUL SINHA for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 27/02/98

ORAL JUDGEMENT

Admitted. Mr.Mukul Sinha appears and waives

service of notice of admission. In the facts and circumstances of the case, this matter is taken up for final hearing to day.

This appeal is filed against an order passed in Civil Application No. 6684 of 1997 in Special Civil Application No. 4216 of 1997. It is an admitted fact that the main matter i.e. Spl.C.A.No.4216 of 1997 is pending and is on board for final hearing before the learned Single Judge. Civil Application No.6684 of 1997 was filed for interim relief against implementing, operating or giving effect to an order dt. May 20, 1997 passed by the Labour Court, Bhavnagar in Recovery Application No.129 of 1997. The learned Single Judge considering the facts and circumstances of the case and also considering the fact that the receipt which was shown was dt. 16th May 1997 whereas the order was dt. May 20, 1997, rejected it.

Mr.Bhatt submitted that other contentions were also raised before the learned Single Judge. We are, however, of the view that since the amount involved in the present Letters Patent Appeal arising from the Civil Application No.6684 of 1997 is only Rs.17,935/00, it would be in the interest of justice if we direct the appellant to deposit 50% of the said amount in this court within two weeks from to day and to pay remaining 50% to the workman. The amount deposited in this court will be invested in any Nationalised Bank for a period of six months and if by that time the petition is not disposed of, it will be reinvested on the same basis. Amount of 50% paid to the workman would be subject to the result of the petition and without prejudice to the rights and contentions of the parties. Liberty to apply in case of difficulty. Appeal is accordingly allowed to the extent indicated above. No order as to costs.

Dt. 27.2.1998. (C.K.THAKKER J.)

(A.L.DAVE J.)